

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

REGIS L. DICKERSON,

Petitioner,

vs.

Civil Action 2:15-CV-68
Judge Frost
Magistrate Judge King

WARDEN, ROSS CORRECTIONAL
INSTITUTION,

Respondent.

REPORT AND RECOMMENDATION

Petitioner seeks leave to proceed in this habeas corpus action under 28 U.S.C. § 2254 without prepayment of fees or costs. *Motion for Leave to Proceed in Forma Pauperis*, ECF 3. The custodian of petitioner's inmate account certifies that petitioner currently has \$156.00 in his account and that petitioner's average monthly deposit over the past six months was \$230.00. *Id.* at PAGEID# 45. Under these circumstances, the Court concludes that petitioner is financially able to pay the \$5.00 filing fee.

It is therefore **RECOMMENDED** that the *Motion for Leave to Proceed in Forma Pauperis*, ECF 3, be denied and that petitioner be ordered to pay the full \$5.00 filing fee within twenty-one (21) days.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28

U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. See, e.g., *Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal") (citation omitted)).

January 27, 2015
(Date)

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge